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Dkt. 62620/PJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tania C. Sorrell et al.

Serial No. : 10/081,838

Filed : February 21, 2002

For : MAGNETIC RESONANCE SPECTROSCOPY TO IDENTIFY AND CLASSIFY MICROORGANISM

1185 Avenue of the Americas
New York, New York 10036
September 29, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

INFORMATION DISCLOSURE STATEMENT

In compliance with his duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references, which are listed on the accompanying form PTO-1449 (Exhibit 1). Copies of references are attached hereto as Exhibits 2-50 respectively, except for reference numbers 2, 12, 15, 16, 24, 30, 45, 46, 47, 48, 55, 56, 62 and 63.

1. Bax, A., and D. Davis. (1986). MLEV-17-based two dimensional homonuclear magnetization transfer spectroscopy. J. Magn.Reson. 65:355-360; (Exhibit 2)

2. Bradley, E., and R. Tibshirani. (1993). An introduction to the bootstrap. Chapman & Hall, London.

3. Braun, S., H.-O. Kalinowski, and S. Berger, (1998). 150 and More Basic NMR Experiments. Wiley-VCH, New York; (Exhibit 3)

4. Cohen, J. (Oct. 1968). Weighted Kappa: Nominal scale agreement with provision for scaled disagreement or partial credit. Psychol Bull. Vol. 70, No. 4 pp 213-218; (Exhibit 4);

5. Delpassand, E.S., M. V. Chari, C. E. Stager, J.D. Morrisett, J.J. Ford, and M. Romazi. Rapid identification of common human pathogens by high-resolution proton magnetic resonance spectroscopy. J. Clin. Microbiol. 33(5):1258-62 (May, 1995); (Exhibit 5)

6. Gadian, D. G. (1995). NMR and its Applications to Living Systems. Oxford University Press, Oxford; (Exhibit 6)

7. Goodacre, R., J. K. Heald, and D. B. Kell. (1999). Characterisation of intact microorganisms using electrosray ionisation mass spectrometry. FEMS Microbiol. Lett. 176(1):17-24; (Exhibit 7)

8. Goodacre, R., E. M. Timmins, P.J. Rooney, J.J. Rowland, and D.B. Kell. (1996). Rapid Identification of Streptococcus and Enterococcus Species Using Diffuse Reflectance-Absorbance Fourier Transform Infrared Spectroscopy and Artificial Neural Networks. FEMS Microbiol. Lett. 140(2-3):233-239; (Exhibit 8)

9. Hahn, P., I. C. Smith, L. Leboldus, C. Littman, R.L. Somorjai, and T. Bezabeth. (1997). The classification of benign and malignant human prostate tissue by multivariate analysis of ^{1}H magnetic resonance spectra. Cancer Res. 57(16):3398-401; (Exhibit 9)

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12. Magee, J. (1993). Whole-organism Fingerprinting, p. 383-427. In M. Goodfellow and A.G. O'Donnell (ed.), Handbook of New Bacterial Systematics. Harcourt Brace, New York.

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biopsy determines pathology, vascularization and nodal involvement. Br. J. Surg. (88, 1234-1240); (Exhibit 12)

14. Naumann, D., V. Fijala, H. Labischinski, and G. Giebrecht. (1998). The rapid differetiation and identification of pathogenic bacteria using Fourier transform infrared spectroscopy. Journal of Molecular Structure. 174:165-170; (Exhibit 13);

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17. Russell, P., C. Lean, L. Delbridge, G. May, S. Dowd, and C. Mountford, (1994). Proton magnetic resonance and human thyroid neoplasia. I: Discrimination between benign and malignant neoplasms. Am. J. Med. 96:383-388; (Exhibit 14)

18. Shaka, A., P. Barker, and R. Freeman. (1985). Computer-optimized decoupling scheme for wideband applications and low level operation. J. Magn. Reson. 64:547-552; (Exhibit 15)

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thyroid neoplasms. Magn. Reson. Med. 33(2):257-63; (Exhibit 18)

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24. Willker, W., D. Leibfritz, R. Kerssebaum, and W. Bermel. (1993). Gradient selection in inverse heteronuclear correlation spectroscopy. Magn. Reson. Chem. 31:287-292; (Exhibit 21)

25. Mitchell TG, Perfect JR. Crytococcosis in the era of AIDS-100 years after the discovery of Cryptococcus neoformans. Clin Micro Rev (1995); 8:515-548; (Exhibit 22)

26. Speed B, Dunt D. Clinical and host differences between infections with the two varieties of Cryptococcus neoformans. Clin Infect Dis (1995); 21:28-34; (Exhibit 23)

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Applicants believe that these references do not anticipate or render obvious applicants' claimed invention.

Because this Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits, no fee is believed to be due. However, in the event that a first Office Action on the merits has been mailed which has not yet reached applicant's attorney, or has not yet been connected to the file applicant's attorney's office, applicant hereby requests for consideration of this Information Disclosure Statement, pursuant to 37 C.F.R. §1.97(c) and authorize the Office to Charge Deposit Account No. 03-3125 the amount of the petition fee in accordance with 37 C.F.R. §1.17(p). In the event that a Notice of Allowance has been mailed, applicant hereby petitions, pursuant to 37 C.F.R. §1.97(d), for consideration of this Information Disclosure Statement, and authorize the Office to charge Deposit Account No. 03-3125 the amount of the fee in accordance with 37 C.F.R. §1.17(i).

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
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9/29/03
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Form PTO-1449 U.S. Department of Commerce
Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)

Atty. Docket No.	Serial No.
62620/PJP	10/081,838
Applicant: Tania C. Sorrell et al.	
Filing Date: February 21, 2002	Group

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	Bax, A., and D. Davis. (1986). MLEV-17-based two dimensional homonuclear magnetization transfer spectroscopy. J. Magn.Reson. 65:355-360; Exhibit 2
	3	Braun, S., H.-O. Kalinowski, and S. Berger (1998). 150 and More Basic NMR Experiments. Wiley-VCH, New York; Exhibit 3
	4	Cohen, J. (Oct., 1968). Weighted Kappa: Nominal scale agreement with provision for scaled disagreement or partial credit. Psychol Bull. Vol 70, No. 4 pp 213-218; Exhibit 4
	5	Delpassand, E.S., M. V. Chari, C. E. Stager, J.D. Morrisett, J.J. Ford, and M. Romazi. Rapid identification of common human pathogens by high-resolution proton magnetic resonance spectroscopy. J. Clin. Microbiol. 33(5):1258-62 (May, 1995) ; Exhibit 5
	6	Gadian, D. G. (1995). NMR and its Applications to Living Systems. Oxford Unversity Press, Oxford; Exhibit 6

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	7	Goodacre, R., J. K. Heald, and D. B. Kell. (1999). Characterisation of intact microorganisms using electrosray ionisation mass spectrometry. FEMS Microbiol. Lett. 176(1):17-24; Exhibit 7
	8	Goodacre, R., E. M. Timmins, P.J. Rooney, J.J. Rowland, and D.B. Kell. (1996). Rapid Identification of Streptococcus and Enterococcus Species Using Diffuse Reflectance-Absorbance Fourier Transform Infrared Spectroscopy and Artificial Neural Networks. FEMS Microbiol. Lett. 140(2-3):233-239; Exhibit 8
	9	Hahn, P., I. C. Smith, L. Leboldus, C. Littman, R.L. Somorjai, and T. Bezabeth. (1997). The classification of benign and malignant human prostate tissue by multivariate analysis of ^{1}H magnetic resonance spectra. Cancer Res. 57(16):3398-401; Exhibit 9
	10	Hardie, J. M., and R. A. Whiley. (1997). Classification and Overview of the Genera Streptococcus and Enterococcus. J. Appl. Microbiol. 83(Suppl S):S 1-S 11; Exhibit 10
	11	Kummerle, M., S. Scherer, and H. Seiler. (1998). Rapid and Reliable Identification of Food Borne Yeasts By Fourier-Transform Infrared Spectroscopy. Appl. Environ. Microbiol. 64(6):2207-2214; Exhibit 11
	13	Mounford, C., R. Somorjai, L. Gluch, P. Malycha, C. Lean, P. Russell, M. Bilous, B. Barraclough, David Gillett, U. Himmelreich, B. Dolenko, A. Nikulin, and I. Smith. (2001). MRS on breast fine needle aspirate biopsy determines pathology, vascularization and nodal involvement. Br. J. Surg. 88, 1234-1240; Exhibit 12
	14	Naumann, D., V. Fijala, H. Labischinski, and G. Giebrecht. (1998). The rapid differetiation and identification of pathogenic bacteria using Fourier transform infrared spectroscopy. Journal of Molecular Structure. 174:165-170; Exhibit 13
	17	Russell, P., C. Lean, L. Delbridge, G. May, S. Dowd, and C. Mountford, (1994). Proton magnetic resonance and human thyroid neoplasia. I: Discrimination between benign and malignant neoplasms. Am. J. Med. 96:383-388; Exhibit 14
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	20	Somorjai, R. L., B. Dolenko, A. K. Nikulin, N. Pizzi, G. Scarth, P. Zhilkin, W. Halliday, D. Fewer, N. Hill, I. Ross, M. West, I. C. P. Smith, S. M. Donnelly, A.C. Kuesel, and K.M. Briere. (1996). Classification of ^{1}H MR spectra of human brain neoplasms: the influence of preprocessing and computerized consensus diagnosis on classification accuracy. J. Magn. Reson. Imaging. 6(3):437-44; Exhibit 17
	21	Somorjai, R. L., A. E. Nikulin, N. Pizzi, D. Jackson, G. Scarth, B. Dolenko, H. Gordon, P. Russell, C.L. Lean, L. Delbridge, (1995). Computerized consensus diagnosis: a classification strategy for the robust analysis of MR spectra. I. Application to ^{1}H spectra of thyroid neoplasms. Magn. Reson. Med. 33(2):257-63; Exhibit 18
	22	Stager, C. E., and J. R. Davis. (1992). Automated systems for identification of microorganisms. Clin. Microbiol. Rev. 5(3):302-27; Exhibit 19
	23	Wallace, J. C., G. P. Raaphorst, R. L. Somorjai, C. E. Ng, M. Fung Kee Fung, M. Senterman, and I. C. P. Smith. (1997). Classification of ^{1}H MR spectra of biopsies from untreated and recurrent ovarian cancer using linear discriminant analysis. Magn Reson. Med. 38(4):569-76; Exhibit 20
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	33	Hagberg G. From magnetic resonance spectroscopy to classification of tumor-a review of pattern recognition methods. NMR Biomed (1998); 11:148-156; Exhibit 29
	34	Dev R, Gupta RK, Poptani H, Roy R, Sharma S, Hasain M. Role of in vivo proton magnetic resonance spectroscopy in the diagnosis and management of brain abscesses. Neurosurgery (1998); 2:37-42; Exhibit 30
	35	Kim SH, Chang KH, Song IC, Han MH, Kim, HC, Kang, HS, Han MC. Brain abscess and brain tumor-discrimination with in vivo H-1 MR spectroscopy. Radiology (1997); 204:239-245; Exhibit 31
	36	Grand Spassaro G, Ziegler A, Esteve F, Boujet C, Hoffman D, Rubin C, Segebarty C, Decorps M, LeBas J-F, Remy C. Necrotic tumor versus brain abscess: importance to amino acids detected at ^{1}H MR spectroscopy-initial results. Radiology (1999);213:785-793; Exhibit 32
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	39	Remy C, Arus C, Ziegler A, Lai ES, Moreno A, Le Fur Y, Decorps M. In vivo, ex vivo, and in vitro one-and two dimensional nuclear magnetic resonance spectroscopy of an intracerebral glioma in rat brain: assignment of resonances. J. Neurochem. (1994); 62:166-179; Exhibit 35
	40	Delikatny EJ, Russell P, Hunter JC, Hancock R, Atkinson KH, Van Haaften-Day C, Mountford CE. Proton MR and human cervical neoplasia: ex vivo spectroscopy allows distinction of invasive carcinoma of the cervix from carcinoma in situ and other preinvasive lesions. Radiology (1993); 188:791-796; Exhibit 36
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this from with next communication to applicant.

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